

Application Number: 10/735,970
Response to Office Action of March 16, 2006

REMARKS

An Office Action was mailed on March 16, 2006. Claims 1-18 are pending.

Applicant has amended the claims to overcome the rejections under 35 U.S.C. §112, second paragraph. With respect to claim 13, Applicant notes that the plane of the head surface in FIG. 1 runs through the slot, thus making the head surface parallel with the slot, which should clarify the meaning of the limitation. Accordingly, it is respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. § 112, second paragraph.

Claims 1-2, 4-5, 10-12 and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by Lev et al. (U.S. Patent 6,895,625), claims 1-3, 6, 9, 11-14 and 18 are rejected under 35 U.S.C. §102(b) as being anticipated by Bigler (DE 19802904) and claims 1-3, 9 and 11-18 are rejected under 35 U.S.C. §102(b) as being anticipated by Flatt (U.S. Patent 3,029,651).

Applicant respectfully traverses such rejections and disagrees with the Examiner that the claims are taught by the cited art. The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ...claim." (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). "The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required." (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

In this case, the cited art fails to teach the claimed invention as required by the MPEP. For instance, the Lev et al. '625 reference fails to teach or reasonably suggest, among other things, a cam having an outer surface with a closed loop cam track eccentric to said axis of rotation, and a pivot member having a through hole, as required by the claims. It should be appreciated that the drive shaft 38 in Lev et al. '625 does not pivot and the shaft seal 82 does not function as a pivot member as the shaft 38 does not pivot within but instead reciprocates therethrough (see col. 5, lines 63-64 of Lev et al.).

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In addition, the Bigler '904 reference fails to teach, among other things, any type of track, let alone a closed loop track, and Applicant respectfully submits that such claim element is not satisfied by the connection of 6 and 7 as suggested by the Examiner. Bigler '904 also fails to teach a drive shaft that is freely mounted in the cam track, which is abundantly apparent from Figure 4 of Bigler.

In addition, the Flatt '651 reference fails to teach or reasonably suggest a closed loop track as required by the claims, and Applicant respectfully submits that aperture 8 does not a track make. An aperture is merely an opening, while a track involves a course or a path (see definition of "track" in www.dictionary.com). In addition, the Flatt '651 reference fails to teach or reasonably suggest a brush head with a separate movable treating instrument as now claimed, but instead teaches an entire brush head that is movable.

Accordingly, it is respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. § 102(b) and §102(e). As Applicant believes that at least claim 1 is in condition for allowance, Applicant respectfully traverses the rejections under 35 U.S.C. §103(a) in view of the arguments presented against the §102 rejections and since all §103 rejections are only applied against dependent claims 7, 8 and 10.

In view of the above amendments and remarks, it is believed that claims 1-18 are in condition for allowance. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 03-2455. Any overpayment may be credited to Deposit Account No. 03-2455.

Respectfully submitted,

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